



California Regional Water Quality Control Board San Diego Region

Linda S. Adams
Secretary for
Environmental Protection

Over 50 Years Serving San Diego, Orange, and Riverside Counties
Recipient of the 2004 Environmental Award for Outstanding Achievement from U.S. EPA



Arnold Schwarzenegger
Governor

9174 Sky Park Court, Suite 100, San Diego, California 92123-4353
(858) 467-2952 • Fax (858) 571-6972
<http://www.waterboards.ca.gov/sandiego>

February 22, 2010

Ms Kimberly A. Thorner, Esq.
General Manager
Olivenhain Municipal Water District
1966 Olivenhain Rd.
Encinitas, CA 92024-5676

CERTIFIED MAIL – RETURN RECEIPT REQUESTED
7009 1410 0002 2347 3872

In reply refer to:
Place No. 631940:cmeans

RE: NOTICE OF VIOLATION NO. R9-2010-0051

Dear Ms. Thorner:

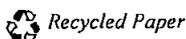
Enclosed is **Notice of Violation (NOV) No. R9-2010-0051** issued to the Olivenhain Municipal Water District (OMWD) for violations of State Water Resources Control Board Order No. 2006-0003-DWQ, *Statewide General Waste Discharge Requirements for Sanitary Sewer Systems*. NOV No. R9-2010-0051 is issued to the OMWD for failure to certify that it has developed and implemented a written Sewer System Management Plan for the 4S Ranch Collection System.

Please provide a written response to the Regional Board by March 19, 2010 describing how the agency has or will resolve the violations alleged in the NOV. Your response will be reviewed to determine if appropriate measures have been taken to address the violations noted and to assess the need for further enforcement action.

In the subject line of any response, please include the requested "In reply refer to:" information located in the heading of this letter. Questions pertaining to the issuance of this NOV should be directed to Christopher Means at (858) 637-5581 or cmeans@waterboards.ca.gov.

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California Environmental Protection Agency



Ms. Kimberly A. Thorner, Esq.
Olivenhain Municipal Water District
NOV R9-2010-0051

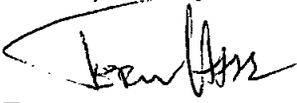
- 2 -

February 22, 2010

Written correspondence pertaining to this NOV should be directed to the following address:

California Regional Water Quality Control Board, San Diego Region
9174 Sky Park Court, Suite 100, San Diego, CA 92123-4340
Attn: Mr. Christopher Means

Respectfully,

for 

JOHN R. ODERMATT, M.Sc., PG
Senior Engineering Geologist, Acting Branch Chief
Water Quality Restoration and Standards Branch

JRO:jch:cjm

Order No.	R9-2010-0051
CIWQS Place ID	631091
Violation ID	861564
Reg. Measure No.	373133

Enclosures: Notice of Violation R9-2010-0030

Cc via email: (w/encl.)

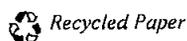
James Fischer, State Water Board, Office of Enforcement,
jfischer@waterboards.ca.gov

Russell Norman, State Water Board, SSO Program,
rnorman@waterboards.ca.gov

George Briest, Engineering Manager,
gbriest@olivenhain.com

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February 22, 2010

<p>IN THE MATTER OF:</p> <p>Ms. Kimberly A. Thorner, Esq. General Manager Olivenhain Municipal Water District 1966 Olivenhain Road Encinitas, CA 92024-5676</p>	<p>NOTICE OF VIOLATION NO. R9-2010-0051</p> <p>Failure to Comply With State Water Resources Control Board Order No. 2006-0003-DWQ, 4S Ranch Collection System</p>
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State Water Resources Control Board Order No. 2006-0003-DWQ

YOU ARE HEREBY NOTIFIED THAT:

Olivenhain Municipal Water District (OMWD) is in violation of State Water Resources Control Board (State Water Board) Order No. 2006-0003-DWQ, *Statewide General Waste Discharge Requirements for Sanitary Sewer Systems* for failing to develop and self-certify a Sewer System Management Plan (SSMP) in compliance with the required time schedule for the 4S Ranch Collection System.

Such violations may subject you to further enforcement action by the State Water Board and California Regional Water Quality Control Board, San Diego Region (Regional Board), including administrative enforcement orders such as administrative civil liability in amounts of up to \$5,000 per day per violation; referral to the State Attorney General for injunctive relief; and, referral to the District Attorney for criminal prosecution.

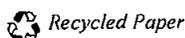
Summary of Violations:

FAILURE TO DEVELOP AND CERTIFY SSMP

OMWD failed to certify development of a written SSMP for the 4S Ranch Collection System in compliance with the provisions and time schedule required in Order No 2006-0003-DWQ.

- 1. Pursuant to Provision D.14:** The Enrollee shall certify that the SSMP, and subparts thereof, are in compliance with the general waste discharge requirements of Order No. 2006-0003-DWQ by completing the certification portion of the Online Sanitary Sewer Overflow (SSO) database.

California Environmental Protection Agency



2. Pursuant to Provision D.15: The Enrollee shall comply with these requirements according to the time schedule in this section.

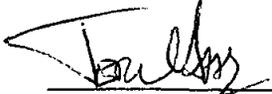
Allegation: OMWD failed to complete and self-certify the following SSMP sections in the online SSO database by the due dates provided in Provision D.15:

SSMP Section	Completion Due Date	Status
1. Goals	11/02/2007	Completed 05/02/2008
2. Organization	11/02/2007	Completed 05/02/2008
4. Operations & Maintenance Program	05/02/2009	Completed 10/29/2009
5: Design & Performance Provisions	08/02/2009	Not Completed
6. Overflow Emergency Response Plan	05/02/2009	Completed 10/29/2009
7. FOG Control Program	05/02/2009	Not Completed
8: System Evaluation and Capacity Assurance Plan	08/02/2009	Not Completed
9: Monitoring, Measurement and Program Modifications	08/02/2009	Not Completed
12: SSMP Completion and Certification	08/02/2009	Not Completed

Therefore, OMWD has not verified compliance with requirements to develop an SSMP as required by Order No 2006-0003-DWQ.

Questions concerning the issuance of this Notice of Violation should be directed to Mr. Christopher Means at (858) 637-5581 or cmeans@waterboards.ca.gov. Written correspondence pertaining to this Notice of Violation should be directed to the following address:

California Regional Water Quality Control Board, San Diego Region
9174 Sky Park Court, Suite 100, San Diego, CA 92123-4340
Attn: Mr. Christopher Means

for


JOHN R. ODERMATT, M.Sc., PG
Senior Engineering Geologist, Acting Branch Chief
Water Quality Restoration and Standards Branch

2/22/2010
DATE

GHONNNNN

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	A. Signature X <input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
1. Article Addressed to: Ms. Kimberly A. Thorner, Esq. General Manager Olivenhain Municipal Water District 1966 Olivenhain Rd. Encinitas, CA 92024-5676	B. Received by (Printed Name)	C. Date of Delivery
2. Article Number (Transfer from service label)	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
PS Form 3811, February 2004	3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
Domestic Return Receipt	4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
7009 1410 0002 2347 3872	7009 1410 0002 2347 3872	

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS, FOLD AT DOTTED LINE
CERTIFIED MAIL™



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Return Receipt Fee (Endorsement Required)							
Restricted Delivery Fee (Endorsement Required)							
Total Postage & Fees \$							
<table border="1" style="width: 100%;"> <tr> <td style="width: 15%;">Sent To</td> <td>Kimberly A. Thorner, Esq.</td> </tr> <tr> <td>Street, Apt. No., or PO Box No.</td> <td>1966 Olivenhain Rd.</td> </tr> <tr> <td>City, State, ZIP+4</td> <td>Encinitas, CA 92024-5676</td> </tr> </table>		Sent To	Kimberly A. Thorner, Esq.	Street, Apt. No., or PO Box No.	1966 Olivenhain Rd.	City, State, ZIP+4	Encinitas, CA 92024-5676
Sent To	Kimberly A. Thorner, Esq.						
Street, Apt. No., or PO Box No.	1966 Olivenhain Rd.						
City, State, ZIP+4	Encinitas, CA 92024-5676						
PS Form 3800, August 2006 See Reverse for Instructions							

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